



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,231	06/19/2001	Richard E. Auerbach	1039-68477	5169

23643 7590 05/21/2002

BARNES & THORNBURG  
11 SOUTH MERIDIAN  
INDIANAPOLIS, IN 46204

EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
----------	--------------

3729

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,231

Applicant(s)

AUERBACH ET AL.

Examiner

Dexter Tugbang

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

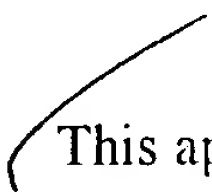
Art Unit: 3729

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of the invention of Group I, Claims 1-19 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 20, 21 and 23 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

### *Priority*

3.  This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading "This is a Divisional of Application No. 08/755,578, filed 11/13/96, now U.S. Patent 6,269,167." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.

### *Drawings*

4. Applicants formal drawings filed on 6/19/01 have been approved by the PTO-Draftsperson.

Art Unit: 3729

### *Specification*

5. The abstract of the disclosure is objected to because the abstract is not drawn to the claimed invention, i.e. method. Correction is required. See MPEP § 608.01(b).

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.**

Extensive mechanical and design details of apparatus should not be given.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: A Method of Making a Loudspeaker Spider.

### *Claim Rejections - 35 USC § 112*

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3729

9. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Claims are replete with several phrases that render the claims vague indefinite and confusing.

For example in Claim 1, the phrases of “the cloth” (line 2) and “the selected location” (line 3) each lack positive antecedent basis.

In Claim 2, the recitation of “a moving coil transducer” (line 3) is inconsistent with the preamble, which is drawn to making a woven spider. It is unclear if the scope of the claims is drawn to making the woven spider alone, or the combination of making the woven spider and the moving coil transducer. The examiner recommends amending the preamble of the claims to read as either –A method of making a moving coil transducer...-- or –A method of making a woven spider in combination with a moving coil transducer...--, to avoid the above inconsistencies. For examination purposes, the examiner presumes that the claims are drawn to the combination.

For example in Claim 3, each phrase of “the step” (1<sup>st</sup> occurrence at line 2 and 2<sup>nd</sup> occurrence at line 4) lacks positive antecedent basis.

For example in Claim 4, the phrase of “an electrical conductor” (line 2) appears to be a double recitation and is unclear if this is referring to “an electrical conductor” (line 3 of Claim 1) previously recited.

The Examiner has carefully reviewed all the pending claims in order to particularly point out the above examples of indefiniteness within the claims. The Applicants are reminded that upon amending the claims, and this includes newly added claims, that it is the Applicants’

Art Unit: 3729

responsibility to particularly point out and distinctly claim the subject matter with which the Applicants' regard as their invention.

*Claim Rejections - 35 USC § 102*

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication EP 0369434, referred to hereinafter as EP'434.

EP'434 discloses a method of making a moving coil transducer comprising: selecting a cloth 1 from which the spider is to be woven; wrapping a selected thread 3 with an electrical conductor 2; and weaving the wrapped thread in the cloth (shown in Fig. 5A).

Regarding Claim 2, EP'434 suggests that the cloth is formed into a spider (damper), which is incorporated into a moving coil transducer or loudspeaker assembly (see col. 1, lines 15+).

Regarding Claim 3, the claimed "float" is broadly read as the portion of the wrapped thread 3 that extends above the conductor 2 and cloth 2 (shown in Fig. 5B).

Regarding Claims 4 and 5, EP'434 further teaches wrapping multiple conductors and multiple threads and twisting the multiple wrapped threads (shown in either Figs. 7A and 7B).

12. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication EP 0479317, referred to hereinafter as EP'317.

Art Unit: 3729

EP'317 discloses a method of making a moving coil transducer comprising: selecting a cloth 1F from which the spider is to be woven; wrapping a selected thread H with an electrical conductor 2H; and weaving the wrapped thread in the cloth (shown in Fig. 9).

Regarding Claim 2, EP'317 suggests that the cloth is formed into a spider, which is incorporated into a moving coil transducer or loudspeaker assembly (see Fig. 6).

Regarding Claim 3, the claimed "float" is read as the portions of the wrapped thread 2c exposed above or overshooting the cloth (shown in Fig. 9).

### *Claim Rejections - 35 USC § 103*

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 18/2/1, 18/3/2/1 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP'434 in view of Japanese Patent Publication JP 5-85196, referred to hereinafter as JP'196.

EP'434 teaches the use of a conductive adhesive, but that a conductive adhesive may be disadvantageous (see col. 7, lines 30+).

JP'196 teaches that use of a conductive adhesive for the specific purpose of electrically connecting wrapped threads to conductive leads (see p. 25 of English Translation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of EP'196 by including the step of applying a conductive

Art Unit: 3729

adhesive, as taught by JP' 196, to positively electrically connect the wrapped threads to conductive leads in the moving coil transducer.

*Allowable Subject Matter*

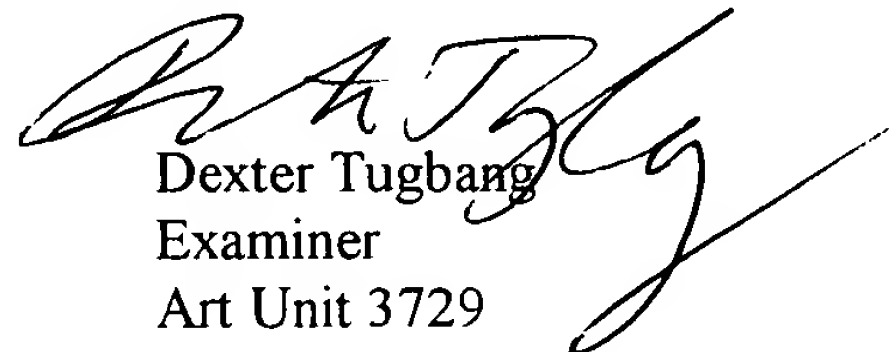
15. Claims 6-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

  
Dexter Tugbang  
Examiner  
Art Unit 3729

adt  
May 20, 2002